

1 Scott B. Henrie, WSBA #12673
Randy J. Aliment, WSBA #11440
2 WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
3 Seattle, WA 98101-2380
Telephone: (206) 628-6600
4 Fax: (206) 628-6611
Attorneys for Creditors
5 Ronald C. Norris, Ronald G. Neubauer,
Craig R. Edwards, Loretta Kelly, and Linda
6 Talley

The Honorable Samuel J. Steiner
Chapter 11
Hearing Date: 7/22/10
Hearing Time: 9:30 a.m.
Courtroom 8106, Hon. Philip H. Brandt
Response Due: At Time of Hearing

8
9 UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 In re:

12 Meridian Mortgage Investors Fund V, L.L.C.
Meridian Mortgage Investors Fund VII, L.L.C.
Meridian Mortgage Investors Fund VIII, L.L.C.
13 Meridian Mortgage Investors Fund II, L.L.C.

14 Putative Debtors.

NO. 10-17952 SJS (FUND V)
NO. 10-17953 SJS (FUND VII)
NO. 10-17958 SJS (FUND VIII)
NO. 10-17976 SJS (FUND II)

MOTION FOR ORDER AND TO
CERTIFY TO UNITED STATES
DISTRICT COURT AN ORDER OF
CONTEMPT, SANCTIONS AND
ISSUANCE OF BENCH WARRANT

16
17 I. MOTION

18 Creditors, Ronald C. Norris, Ronald G. Neubauer, Craig R. Edwards, Loretta Kelly, and
19 Linda Talley (collectively "Creditors"), through their attorneys Williams, Kastner & Gibbs
20 PLLC, move the Court pursuant to Bankruptcy Rule 2004 and Fed. R.Civ. P. 45(e) as
21 incorporated through Bankruptcy Rule 9016, for an Order holding DARREN BERG in
22 CONTEMPT of Court for violating this Court's Order issued pursuant to Bankruptcy Rule
23 2004. That Order, signed July 14, 2010, required Berg to appear at 10:00 a.m. on Tuesday,
24 July 20, 2010 and be examined. Mr. Berg disregarded the Court's Order and failed to appear
25 as directed. The Creditors move for an Order compelling Mr. Berg to appear, for contempt,

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Williams, Kastner & Gibbs PLLC
Two Union Square, Suite 4100 (98101-2380)
Mail Address: P.O. Box 21926
Seattle, Washington 98111-3926
(206) 628-6600

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1 monetary sanctions and for the issuance of a Bench Warrant. To the extent the requested relief
2 may be beyond the jurisdiction of the Court, the creditors move the bankruptcy court to certify
3 to United States District Court the issues raised and relief requested, including the issuance of a
4 BENCH WARRANT for the arrest of Darren Berg, for his failure to appear as Ordered by this
5 Court. Although Mr. Berg made some attempt to negotiate a different date for his examination,
6 those efforts were denied. Mr. Berg nevertheless unilaterally chose to ignore the Court's Order
7 and subpoena and failed to appear. Fifteen attorneys and their clients were in attendance for
8 the scheduled examination. It is anticipated that many of the attorneys will be independently
9 filing declarations in support of monetary sanctions indicating the total fees and costs they each
10 incurred.

11 This Motion is based upon the Declaration of Randy J. Aliment and exhibits attached
12 thereto, additional declarations to be filed and the files and records herein.

13 DATED this 21st day of July, 2010.

14 s/Scott B. Henrie, WSBA #12673
15 Randy J. Aliment, WSBA #11440
16 Attorneys for Creditors, Ronald C. Norris,
17 Ronald G. Neubauer, Craig R. Edwards, Loretta
18 Kelly, and Linda Talley
19 WILLIAMS, KASTNER & GIBBS PLLC
20 601 Union Street, Suite 4100
21 Seattle, WA 98101-2380
22 Telephone: (206) 628-6600
23 Fax: (206) 628-6611
24 Email: shenrie@williamskastner.com
25 Email: raliment@williamskastner.com

MOTION FOR ORDER AND TO CERTIFY TO UNITED STATES
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